THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24868 of 2006

29-11-2006

Between:-

N. Subramanyam

Petitioner

And

The Chairman,
Board of Trustees,
Sri Kalahasteeswara Swami Vari Devasthanam,
Srikalahasti, Chittoor district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24868 of 2006

Oral order:

The writ petition is misconceived. The petitioner assails the tender notification issued by the Sri Kalahastheeswara Swami Vari Devasthanam, Srikalahasti, Chittoor district dated 19-11-2006 insofar as the third item specified therein for auction is concerned. Item No.3 in the tender notification pertains to grant of licenses for supply of lemons, loose flowers and betel-nut flowers to the Devasthanam for Rahu-Ketu Puja at Sri Kalahastheeswara Swami Vari Devasthanam for the period 20-08-2006 to 30-11-2006. Tenders are to be opened on 29-11-2006.

According to the petitioner, he is an existing licensee and which enures up to 30-11-2006. He was granted a license earlier for a three month period, which ends by 30-11-2006. According to the petitioner, he had succeeded at the bid and was granted a license, but had suffered loss in the business. He made a representation for extension of the period of license. Without disposing of the said application and considering the same favourably, the respondents have issued the impugned tender notification, is the complaint.

On facts, the license period of the petitioner admittedly comes to an end by 30-11-2006. There is no legal obligation of the respondents

to extend the period of lease. Learned counsel for the petitioner has not shown any statutory provision which obligates the respondents to consider the extension of lease in the circumstances mentioned by the petitioner. It is trite principle that Mandamus can be issued only for the performance of a legal obligation. If extension of lease or otherwise is within the spectrum of executive discretion, no Mandamus can issue to an executive authority to exercise or to take a decision in a particular manner within such consecrated spectrum of discretion. That would be judicial encroachment into a legitimate domain of the executive authority, which is not a function of this court under Article 226 of the Constitution of India. Nothing in this order prevents the respondents from considering the petitioner's representation in accordance with the rational discretion available to the respondents.

For the aforesaid reasons, this court discerns no merit. The writ petition is accordingly dismissed at the stage admission.

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GODA RAGHURAM, J

Dated: 29-11-2006
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